

Message Text

LIMITED OFFICIAL USE

PAGE 01 CALCUT 01636 120453Z

11

ACTION NEA-09

INFO OCT-01 ISO-00 SCS-03 SCA-01 L-03 SSO-00 /017 W

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O 120413Z AUG 74

FM AMCONSUL CALCUTTA

TO SECSTATE WASHDC IMMEDIATE 4078

INFO AMEMBASSY NEW DELHI IMMEDIATE

LIMITED OFFICIAL USE CALCUTTA 1636

E.O. 11652: N/W

TAGS: CASC, PFOR, IN, US

SUBJ: HARCOS/FLETCHER

REF: STATE 174598

1. FOLLOWING IS FULL TEXT OF SECTION 14 OF THE OFFICIAL SECRETS ACT, 1923 CITED BY JUDGE CHAUDHURI IN HIS RULING (FOR TEXT OF RULING SEE CALCUTTA 1617): QUOTE: IN ADDITION AND WITHOUT PREJUDICE TO ANY POWERS WHICH A COURT MAY POSSESS TO ORDER THE EXCLUSION OF THE PUBLIC FROM ANY PROCEEDINGS IF, IN THE COURSE OF PROCEEDINGS BEFORE A COURT AGAINST ANY PERSON FOR AN OFFENSE UNDER THIS ACT OR THE PROCEEDINGS ON APEAL, OR IN THE COURSE OF THE TRIAL OF A PERSON UNDER THIS ACT, APPLICATION IS MADE BY THE PROSECUTION, ON THE GROUND THAT THE PUBLICATION OF ANY EVIDENCE TO BE GIVEN OR OF ANY STATEMENT TO BE MADE IN THE COURSE OF THE PROCEEDINGS WOULD BE PREJUDICIAL TO THE SAFETY OF THE STATE, THAT ALL OR ANY PORTION OF THE PUBLIC SHALL BE EXCLUDED DURING ANY PART OF THE HEARING, THE COURT MAY MAKE AN ORDER TO THAT EFFECT, BUT THE PASSING OF SENTENCE SHALL IN ANY CASE TAKE PLACE IN PUBLIC. END QUOTE.

2. IN INDIAN USAGE, THE FRAMING OF THE CHARGES IS UNDERSTOOD TO BE THE BEGINNING OF THE TRIAL. HOWEVER, IT IS UP TO THE PRESIDING JUDGE TO DETERMINE WHEN HE WILL BEGIN TO HEAR EVIDENCE AFTER THE FRAMING OF THE CHARGES. THIS MEANS THAT WE ARE UNABLE AT THIS TIME TO PREDICT ANY TIME FRAME FOR THE

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TRIAL.

BALL

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NNN

Message Attributes

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Capture Date: 01 JAN 1994
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Current Classification: UNCLASSIFIED
Concepts: LAW, COURTS, TRIALS
Control Number: n/a
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Draft Date: 12 AUG 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CollinP0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
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Disposition History: n/a
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